

COPY

PATENT
Docket No. 399242000600

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND DEVICE FOR USE IN MINIMALLY INVASIVE APPROXIMATION OF MUSCLE AND OTHER TISSUE**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on December 15, 2000 as United States Application Serial No. 09/738,818.

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
*			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/172,426	12/17/1999

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
*		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 11/27/01
 Name: George D. Hermann
 Residence: 214A Grove Drive, Portola Valley, CA 94028
 Citizenship: U.S.
 Post Office Address: 214A Grove Drive, Portola Valley, CA 94028

Date _____
 Name: JOSE de la PENA
 Residence: Acueducto rio hondo #26, Lomas Virreyes, MEXICO D.F.
 11,000 MEXICO
 Citizenship:
 Post Office Address: Acueducto rio hondo #26, Lomas Virreyes, MEXICO D.F.
 11,000 MEXICO

Date _____
 Name: ROGER de la TORRE
 Residence: 2312 Longest Drive, Wentzville, MO 63385
 Citizenship: U.S.
 Post Office Address: 2312 Longest Drive, Wentzville, MO 63385

Date _____
 Name: THOMAS HOWELL
 Residence: 567 Homer Avenue, Palo Alto, CA 94301
 Citizenship: U.S.
 Post Office Address: 567 Homer Avenue, Palo Alto, CA 94301

Date _____
 Name: ROGER KHOURI
 Residence: 328 Crandon Blvd., #227, Key Biscayne, FL 33149
 Citizenship: U.S.
 Post Office Address: 328 Crandon Blvd., #227, Key Biscayne, FL 33149

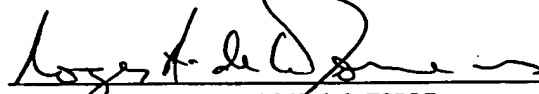
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11,000 MEXICO

9/16/01
Date


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Name: GEORGE D. HERMANN
 Residence: 214A Grove Drive, Portola Valley, CA 94028
 Citizenship: U.S.
 Post Office Address: 214A Grove Drive, Portola Valley, CA 94028

9/18/01
 Date

Name: JOSE de la PENA
 Residence: Acueducto rio hondo #26, Lomas Virreyes, MEXICO D.F.
 11,000 MEXICO
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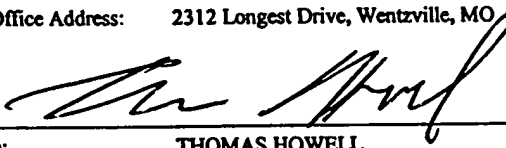
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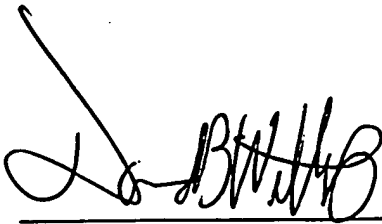
9/5/1
 Date _____


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Date _____ Name: ROGER KHOURI
 Residence: 328 Crandon Blvd., #227, Key Biscayne, FL 33149
 Citizenship: U.S.
 Post Office Address: 328 Crandon Blvd., #227, Key Biscayne, FL 33149

9/4/2001


Date



Name: DAVID WILLIS
Residence: 850 College Avenue, Palo Alto, CA 94306
Citizenship: U.S.
Post Office Address: 850 College Avenue, Palo Alto, CA 94306

9/4/2001

Date



Name: MICHAEL DREWS
Residence: 4524 U Street, Sacramento, CA 95817
Citizenship: U.S.
Post Office Address: 4524 U Street, Sacramento, CA 95817